

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

EDWARD EUGENE YOUNG, SR.,	:	
Petitioner,	:	
	:	
v.	:	CA 03-257 T
	:	
STATE OF RHODE ISLAND,	:	
ASHBEL T. WALL,	:	
Respondents.	:	

**REPORT AND RECOMMENDATION**

David L. Martin, United States Magistrate Judge

Before the Court are two motions filed by pro se Petitioner Edward Eugene Young, Sr. ("Petitioner"): 1) "Motion to Vacate Trial Judgment and (Ex[.]punge and Seal) Plaintiff's Criminal Record" (Document ("Doc.") #55) ("Motion to Vacate"); and 2) "Motion for Summary Judgment of the Merit's, Rule 12(C) of the civil procedure" (Doc. #56) ("Motion for Summary Judgment"). For the reasons stated in the Report and Recommendation dated November 25, 2008 (Doc. #60), recommending that the underlying petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody ("Petition") be denied and dismissed, I recommend that the Motion to Vacate and the Motion for Summary Judgment also be denied.

Any objections to this Report and Recommendation must be specific and must be filed with the Clerk of Court within ten (10) days of its receipt.<sup>1</sup> See Fed. R. Civ. P. 72(b)(2); D.R.I. LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district court and of the right to appeal the district court's decision.

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<sup>1</sup> The ten days do not include intermediate Saturdays, Sundays, and legal holidays. See Fed. R. Civ. P. 6(a).

See United States v. Valencia-Copete, 792 F.2d 4, 6 (1<sup>st</sup> Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1<sup>st</sup> Cir. 1980).

/s/ David L. Martin  
DAVID L. MARTIN  
United States Magistrate Judge  
November 26, 2008